



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MAY 26, 2009

PRESENT: Acevedo, Koepp-Baker, Lyle, Moniz, Mueller, Tanda

ABSENT: Escobar

LATE: None

STAFF: Community Development Director (CDD) Molloy Previsich, Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Senior Civil Engineer (SCE) Creer, Planning Support Staff Buck, and Minutes Clerk Johnson.

Chair Koepp-Baker called the meeting to order at 7:10PM, inviting all present to recite the pledge of allegiance to the U.S. flag. She then provided an overview of the workshop for the students present, emphasizing that the actions of the Planning Commission will have impact on the economy and well-being of Morgan Hill in the future. She urged students to become involved and well informed.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Koepp-Baker opened the floor to public comment for matters not appearing on the agenda.

Commissioner Mueller reminded of the focus groups for Morgan Hill residents to give input for healthcare service provision to the community. Meetings will be June 3 and 4 (6 – 7:30 p.m.) at the ~~St. Louise Hospital~~ **Community Center**. Commissioner Mueller said reservations are necessary and urged interested citizens to call 782-1501.

With no others present wishing to address matters not appearing on the agenda, the public hearing was closed.

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MINUTES:

May 12, 2009

COMMISSIONERS MUELLER/ACEVEDO MOTIONED TO APPROVE THE MAY 12, 2009 MINUTES WITH THE FOLLOWING REVISIONS:

Page 5, line 1: *he would be ~~reclused~~ recused....* and 2nd paragraph: *~~reclused~~ recused*

Page 5: Move **note** to top of section, preceding agenda item 3.

Page 5, item 3a: (PH) ~~The representative of the bank,~~ **Property owner** Craig van Keulen
..... ~~this was a recent bank repossession, and that there was agreement with the staff~~
report.

Page 5, 3a (Resolution) add: **Obtain building permits (4 units) 10-30-10; (11 units) 01-30-11**

Page 6, paragraph 2: ...~~with~~ **for** a total of 18 months for ~~remaining~~ **the remaining** FY 07/08 allocations

Page 7, Resolution {continued}: **Building Permit Submittal FY 2010 (15 units) ~~01-30-11~~ 02-28-11**

Page 8, (1st) Resolution:

Obtain Building Permits

FY 2007-08 (14 UNITS) ~~04-30-09~~ 04-30-2010

FY 2007-08 (34 UNITS) ~~04-30-09~~ 04-30-2010

FY 2007-08 (2 UNITS) ~~04-30-09~~ 04-30-2011

FY 2008-09 (43 UNITS) ~~04-30-10~~ 04-30-2011

FY 2009-10 (6 UNITS) ~~04-30-10~~ 04-30-2011

Building Permit Submittal

FY 2007-08 (14 UNITS) ~~02-28-09~~

FY 2007-08 (34 UNITS) ~~02-28-2010~~

FY 2007-08 (2 UNITS) ~~02-28-2011~~

FY 2008-09 (43 UNITS) ~~02-28-11~~

FY 2009-10 (6 UNITS) ~~02-28-2011~~

Page 10, Resolution:**CITY IS MAKING ~~PROCESS~~ PROGRESS.....**

THE MOTION PASSED (6-0-0-1) WITH THE FOLLOWING VOTE:

AYES: ACEVEDO, KOEPP-BAKER, LYLE, MONIZ, MUELLER, TANDA;

NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR.

PUBLIC HEARINGS:

1)DEVELOPMENT AGREEMENT AMENDMENT, DAA-05-09C/ DEVELOPMENT SCHEDULE AMENDMENT, DSA- 05-01D: DEL MONTE- GIOVANNI:

A request to amend the development agreement and development schedule for a six-unit, one acre multi-family residential project referred to as Del Monte Corners located on the east side of Del Monte Ave. approx. 80 ft north of Christine Lynn Dr. The amendments would extend the 'obtain building permit' and 'commencement of construction' dates by 12 months (APN 764-12-025).

PM Rowe presented the staff report, with the background explanation of the project:

this is a six-unit multi-family project on approximately one-acre. The item had been scheduled for action at the May 12, 2009 Commission meeting; however, the appropriate application was not filed timely and so was continued to this meeting. PM Rowe advised this was a third request for an extension of an additional 12 months. He presented the following **development agreement** modifications:

Commence construction	Current due date	Request/recommendation
FY 2006-07 (6 units)	06-30-09	(+ 12 months) 06-30-10

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and **development schedule** modifications:

Obtain building permit	Current due date	Request/recommendation
FY 2006-07 (6 units)	03-30-09	(+ 12 months) 03-30-10

PM Rowe explained that the only remaining milestones were getting the bonds in order then obtaining permission to commence construction. PM Rowe noticed that the current housing credit issues had hindered the project. Minor changes to the Resolution were noted.

Chair Koepp-Baker opened the public hearing.

Owner Dan Gluhaich, 175 E. Main, Ste. 130, was present to answer questions.

Commissioner Tanda addressed the applicant: "This is the third amendment requested. How confident are you that twelve months will be adequate?" Mr. Gluhaich responded, "Real confident. We have been able to obtain private money to finance as lenders out there not doing the kind of lending we need." He went on to say he was ready to post the required bonds.

With no one else in the audience indicating a wish to speak to the matter, the public hearing was closed.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT AMENDMENT FROM APPLICATIONS DAA-05-09C: DEL MONTE – GIOVANNI TO ALLOW A 12-MONTH EXTENSION OF TIME TO COMMENCE CONSTRUCTION ON SIX, FY 2006-07 BUILDING ALLOTMENTS. COMMISSIONER MUNIZ PROVIDED THE SECOND, WITH THE MOTION PASSING BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR.

COMMISSIONER MUELLER OFFERED A RESOLUTION, INCLUSIVE OF THE FINDINGS AND CONDITIONS THEREIN, APPROVING AN AMENDMENT TO THE DEVELOPMENT SCHEDULE FOR APPLICATIONS MMC-04-05: DEL MONTE – GIOVANNI TO EXTEND THE DATE TO OBTAIN BUILDING PERMITS BY 12 MONTHS FOR SIX, FY 2006-07 ALLOTMENTS. COMMISSIONER MUNIZ PROVIDED THE SECOND, WITH THE MOTION PASSING BY THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, LYLE, MONIZ, MUELLER, TANDA; NOES: NONE; ABSTAIN: NONE; ABSENT: ESCOBAR.

2)ZONING AMENDMENT, ZA- 09-06: CITY OF MORGAN HILL- CHANGES TO THE

A request to amend Chapter 18.78 of the Morgan Hill Municipal Code, amending the evaluation standards and criteria for proposed residential developments as set forth in Sections 18.78.200 through 18.78.410 of the Municipal Code.

PM Rowe presented the staff report, noting that the RDCS Ordinance requires the

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RESIDENTIAL DEVELOPMENT CONTROL SYSTEM STANDARDS & CRITERIA:

planning Commission to review the standards and criteria following each competition, and then decide whether any changes or amendments are necessary for the next competition. To meet the terms of the Ordinance, PM Rowe reported, a Subcommittee was established with Commissioner Moniz, Chair Koepp-Baker, Commissioner Mueller, representatives of the development community and a representative from the Parks and Recreation Commission named to participate. A memo establishing the identified work plan items was the basis of discussion for the subcommittee, he said. Specifically identified by the Subcommittee for further review were:

- procedures for evaluating Micro projects ~~ emphasis on the Schools category
- defining the central core boundary line ~~ with a determination made that the outside edge of street should be basically the line of origin (an improved GIS format has added this effort)
- Part 2: scoring B-4 community room for after school activities (funding for the after school program has been eliminated; Subcommittee recommended exclusion of B-4 then increase points for B-3 from 4 >> 6
- delete note (Full market value credit) under criterion B2 (change in State law negated item)
- scoring change consideration for:
 - Orderly and Contiguous category B-5
 - Open space B-5 (project master plan)
 - Parks and Pathways {most significant changes to B-2}: focus on community garden (2 points) with prominence on conserving water; also through irrigation systems and other methods / B-5 {projects above 150 units} ~~ need discussion of on-site neighborhood parks (page 4/staff report)
 - B-6 & 7 payment of park in-lieu fees ~~ effect on City general fund
 - B8 – discussion of consideration whether full credit provided for space created by reduction of lot sizes below the zoning minimum
 - Quality of construction
 - use of Build It Green (BIG) guidelines
 - Housing Needs category: needs further clarification for B-4a and B-2a (including note page 5/staff report)
 - Lot layout/orientation - B-1a concern with wording for side and rear yard set-back variations; possible need for language to match the proposed lot size (applies to structures within the principal building setback)
 - Circulation efficiently: B-1f: short blocks may be unavoidable
 - Public facilities: B-2d detention pond or open space retention; oversize underground pipes not viable

PM Rowe advised of intent to go through targeted sections of the Ordinance regarding:

- policies ~~ RDCS implementation policies
- consideration of possible extension of BMR reduction program [June 30 2009 >> September 30, 2009; City Council is going to consider this

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extension]

PM Rowe also called attention to Exhibit A (staff report) as he explained the process for scoring criteria, noting this is a big part of the competition, and could make changes to the scoring criteria for three of the 14 categories.

Schools

Orderly and Contiguous [includes correction for quality of project master plan plus clarifying of Ordinance for maximizing points]

Parks and Pathways [focus would be on minimizing smaller neighborhood parks through revised point system; concern: funding - builder to provide public area for parks with some restrictions on minimum fees]. PM Rowe then presented a summary of adjustments proposed.

Commissioner Mueller asked, "How many different scoring categories are there?" PM Rowe responded, "With 14 categories, there are over 1,400 point opportunities for a total of 200 points available." Commissioner Mueller said (to the audience): "The scoring needed for point award for the allocations is in the higher 190s and it is very critical as to how much it costs for the developers to get points for the allocations." He then reminded that this was a technical discussion as Staff and the Commissioners consider the recommendations.

Chair Koepp-Baker opened the public hearing.

Mr. Oliver returned to the podium to address the Commissioners. For the benefit of the audience, Chair Koepp-Baker explained his role in the community as a developer. "Mr. Oliver has been here a long time and the Planning Commission relies on the development community for assistance in good planning and decision making."

Mr. Oliver said he wished to address the issue of moderate BMRs. "We always put BMRs on half-sized lots; then that would be 3,500 sf. There appears to be some confusion as to the wording here: this is more specific as to size." PM Rowe commented this had been added year ago and could be removed. Chair Koepp-Baker said she felt a clarification would not be bad: "If it is a half size lot that the BMR is going on, then it should say 3,500 sf." CDD Molloy Previsich interjected, "It would be more appropriate to delete the wording as it is now as the size of the lot is left to zoning."

Discussion ensued regarding extending the BMR forgiveness provisions. It was clarified that the Planning Commission had recommended 'pushing everything out a year', with 100% BMR forgiveness from the current date of 9/30/09 to 9/30/10, and 50% forgiveness from 9/30/10 to 9/30/11." Mr. Oliver responded, "We can't get loans for starting houses. No one can get a loan to start houses and so we may not be able to meet the 2009-10 deadline. Projections are not being met realistically; there may be a need to push the projections out to 2015." Commissioner Lyle asked, "If we would be pushing to 2015 for ongoing projects, should the automatic allocations be given for 2011-12?" Mr. Oliver answered, "It doesn't make a lot of sense if the project is already behind." Commissioner Lyle expressed concern with giving the 50% BMR reduction beyond the date when the new 10/11 allotments (which must provide 100% BMR's) must start. Mr. Oliver said, "I would be

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surprised if we really get going much sooner. Personally, I don't see anything happening for a fast start up."

Commissioner Mueller addressed the issue Commissioner Lyle had brought up; saying the concern of 'automatic allocations to on-going projects in fy 2011-12' was a valid point. To Mr. Oliver, he said, "In order to push to the matter to the City Council, how can the problems with continued funding being tight in this down economy be documented? In order to position developers better with the lending community how can the City help?"

Mr. Oliver responded that checking the housing statistics published would be a good indicator. "In the whole City of Morgan Hill during the first quarter, only one house sold. If 100 houses were to be sold in the next quarter, then reevaluate should take place. That statistical analysis should be able to be picked up within 30 days of the end of each quarter," Mr. Oliver said.

Commissioner Moniz asked Mr. Oliver to obtain and share the report with the Planning Commission as he indicated he saw value in it, as well.

Commissioner Mueller suggested, "We may need an agenda item for the future regarding existing plans which may face substantial size variation. I think the Planning Commission must address the issue of construction planned versus what can actually be sold. Yes, we must be prepared to address that."

Mr. Oliver said that was one of the factors in *why* the development community is asking for the dates to be 'pushed'. "It may not be necessary to address the 50% date until after the second quarter, but the 100% definitely needs to be out 'pushed out'.

Commissioner Lyle spoke regarding the concern that the fee deferral could be real problem for the City.

Mr. Oliver advised he has met with Public Works regarding a fee deferral program, but fees have not been deferred. "I feel it would be an issue for impact fee if we were asking for a deferral program. However, if the Council were to give us one year on 100% and wait a year for the 50%, I think that would be very reasonable."

The public hearing was closed as there was not an indication of others wishing to speak to the matter.

Commissioner Tanda said, "I have a suggestion for staff: the technical terms being used are not always clear to the public." He then asked CDD Molloy Previsich to explain the concept of BMRs. Commissioner Acevedo asked that she also speak to why the City had to provide affordable housing and why developers were required to build same? CDD Molloy Previsich provided an overview of the program in response to both requests.

Commissioner Mueller returned to the topic of deferred impact fees. "Normally we look at these at the time of application, but we may want to support looking at deferring those fees to the time of sale. Because of financing being so difficult for

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the developers, deferring the fees until homes are actually sold would be good for the developers but could cause the City some hardships. It should be considered, though, as one of the things we are doing to address the current financial condition.” PM Rowe noted that the program was intended to accelerate building in the City and that, indeed, some projects are moving ahead.

Discussion ensued regarding requirements for low cost/affordable housing, the role ABAG and the Department of Finance plays in prescribing those numbers for Cities. DCC Molly-Pervich reminded that the new housing element is due out in July.

As to on-going projects, PM Rowe commented that some of the projects have recorded maps as he explained the need for a percentage of Measure F projects to begin. “One suggestion would be to retain the 9/30/10 deadline, PM Rowe said.

The public hearing was reopened.

Mr. Oliver told the Commissioners, “If we have not recorded the final map but have started the off site and on site improvements by July 1, we would have difficulty getting going; so July 1 would actually be a final deadline. There are a couple of exceptions: Roche's project and Alicante phase 3, both of which could be done about the end of August.”

The public hearing was closed.

CDD Molloy Previsich stated, “Another consideration is the method of doing calculations for BMRs/median income. Because of the uniqueness of this economy, this may be time for making adjustments. A truer basis is when the census is completed.

We must show the need to accommodate people of different income levels, and the completed census will show the basis for that.

Commissioner Mueller asked, “If July is the date by which it is no longer feasible then at the first Commission meeting in July, we need to consider what our recommendation would be. We may be able to have a (local) banker come in to speak to Commission before we make a decision.” Commissioner Lyle said, “I don’t think there much possibility of getting it done by July 1.” Chair Koepp-Baker commented, “It would be happening in this area according to the figures I’ve seen.” Commissioner Mueller continued by saying, “Before we send anything to the City Council, I think good to have a banker in.”

The public hearing was reopened.

Commissioner Lyle asked Mr. Oliver, “If the Planning Commission wanted to make a recommendation, what would make it easier for starting for 2010?” Mr. Oliver responded, “It’s critical now with 60 - 90 days for a bank decision, and they would want to see the extension in writing. “ Commissioner Lyle then questioned, “If the bank said start in the fall, you’d be ‘OK’ for 2010?” [Yes]

The public hearing was closed.

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Commissioner Muller said, "I think it would be important for the June 9 meeting to have the developers ask one of their bankers for help in explaining this matter for a report to be generated to City Council."

Ordinance consideration:

Parks and Paths

Commissioner Acevedo said, "I like the passive water features. I understand why the Subcommittee recommended eliminating some of the items, but I wonder if a hard evaluation of evaporation versus how much it would take to water a bocce ball court has been considered? Did anyone look at watering once or twice a day for a bowling green? If we are trying to conserve water, we can have concrete jungle, but most of us want to live in comfortable place and we can learn how to better conserve water. I'd like to see the passive water features kept and other methods considered for dealing with water conservation."

~~Commissioner Moniz~~ **Vince Burgos** commented, "It's not so much about water conservation, but that almost all the developers put in a fountain at the front of their projects."

Commissioner Mueller explained, "There was not a detailed study done, but with the idea that in these kinds of times that we are in now, saving water is very important."

CDD Molloy Previsich added, "It is less directly a recreation feature."

Commissioner Acevedo commented, "But taking out wading and swimming pools?"

Commissioner Mueller noted, "Some of these things are not being put in because of the impact on HOAs."

Commissioner Acevedo argued, "It's not about taking it out." He went on to tell of water features in specific projects on Dunne/Main Streets (near Serene St.).

Chair Koepp-Baker noted that the section was basically recommendation of the Parks and Recreation representatives. "Overall the thrust was to increase the amount of passive parks in Morgan Hill and so we were looking at co-joined developments as a method of sharing the developments of passive parks."

Commissioner Acevedo debated having the language in, but shifting points around.

CDD Molloy Previsich said, "Staff would still be inclined to not place emphasize on water features because of the current drought like conditions." Discussion ensued regarding watering versus maintenance of other landscape plans.

Commissioner Acevedo said, "If the intent is to save water, then the City should consider a conservation plan," as he continue to urge 'less artificial and more natural environment'. CDD Molloy Previsich told of instances of having to put water on artificial turf just to keep cool.

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Following more discussion, commissioners were asked about reaching a consensus: keep the categories in for parks and pathways, with points being shifted around.

Commissioner Acevedo spoke of the ability to conserve water with known methods.

Commissioner Mueller explained that the main reason for having wading and swimming pools taken out was that they were not being used. "A developer can still do the, the projects just won't get points," he said.

Commissioner Tanda observed, "Commissioner Acevedo brought up a good point: you lose water by not covering a pool. You can't use a cover on a creek so I'm inclined to go with having the pools installed but not giving a point." He went on to say that a study of whether grass or pools take up more water.

Commissioner Moniz said he would be in favor of having the water devices kept with a one point allocation possible.

Chair Koepp-Baker was in favor of leaving them in with no point.

Commissioner Mueller thought it best to take them out. "If a development needs that feature to sell, the builder will put them in. If natural water is used, the application will get more at the sale, so I would go for a point."

Commissioner Acevedo urged leaving the features in, saying, "This is not a good place to reduce the points."

Commissioner Mueller then said he could 'live with' leaving the element in for one point.

Commissioner Lyle called attention to the italics on page 10 #5 as he asked, "Does this mean on-site land dedication only, or on-site land dedication with improvements?" CDD Molloy Previsich explained, "The intent was to provide a whole park." (The language for that section was amended to add the word improved.)

Commissioner Acevedo addressed the issue of (during scoring) of projects this size being approved by the Planning Commission prior to having City Council review. Commissioner Mueller replied, in an instance like this, the City Council approval would have been gained prior to an application.

Due to the competitive nature, PM Rowe said, this section is not as bad as it would be if smaller projects were involved, as this provision is for more than 150 units.

Things that need to be considered in relation to this are:

- what if city does not approve if the project is more than 150 units
- will there be a public street (neighborhood parks are more facilitated by local streets)
- if a project does not get points under B5 then B8 would be open for points; B8 will be encouraged for fall-back (Plan B) only if City Council refuses to

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- accept the initial recommendation
- B5 is *only* to 150 and *only* for parks on public streets

The public hearing was reopened.

Mr. Oliver raised the issue: if a project is 150 units or more, and the City is offered the park, there may not be money to accept it. That would mean a public park would be lost. There should be a way for the City to have the park site in the future or some other desirable location pledged.

The public hearing was closed.

CDD Molloy Previsich commented there may be a need to work on language for more flexibility for dedication, improvements, and having fees deferred.

Commissioner Lyle suggested a method be explored for having amenities paid for by the developer with dedication to the City gets in the future when the park can be care for.

Chair Koepp-Baker spoke ardently for an increase in parks.

Commissioner Mueller said, "We need to explore if the City can accept park land dedication of unimproved land."

Commissioner Lyle asked about having points 'divvied up' for such land dedication or having other improvements for certain points.

Commissioner Mueller said, "The bulk of the points should be for dedication of land (3 points), then the fourth point for improvements.

Commissioner Moniz said to put in (paragraph k) a passive point. PM Rowe reminded there is a not definition of passive park but the City does have a definition for neighborhood parks.

Commissioner Lyle asked, "Is the supposition that the City will accept park land that is not developed or improved?" PM Rowe called attention that the subcommittee left in place the four points for park dedication (improvements).

Discussion then turn to (page 3) safety improvements/Schools: safe walking paths The Commissioners conferred regarding: a safe walking path might not necessarily be on a designated street, but could be identified as being on another street. SCE Creer referenced Measure C requirements whereby many times developers make dollar commitments with those dollars then 'banked' by the City. SCE Creer went on to tell of the necessity of putting some safe route commitment into an application.

Commissioner Mueller sad, "My concern is that the language is too broad." PM Rowe reminded of the existing language.

Commissioner Tanda asked about the \$825 per point per unit. PM Rowe explained

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that was for each dwelling unit.

SCE Creer advised the City is waiting on the Diana Chan project to further develop plans for the safe walking path commitment of that project.

Major design flaw correction (Page 8) Commissioner Mueller said the narrative contains 'catch all language', which is not sufficient regarding the submission of new drawings.

PM Rowe said the applications need to be scored on incorporated recommendations; we have a cutoff a date for preliminary review then give changes to the applicants.

Commissioner Mueller turned to Page 21 B-1, as he explained no extra inspector was required.

Commissioner Lyle also referenced Page 21, 4th bullet as he raised the question: when a project is allocated and then builds, it appears that the developer only has to meet what is submitted with the application; automatic allocations are not addressed; would the developer need a new BIG? CDD Molloy Previsich responded, "That is what was deleted unintentionally." Commissioner Lyle suggested that section emphasizes BIG would be applicable for what was originally allocated. Commissioner Mueller agreed, saying, "Automatic allocation renewals would have to go with BIG requirements of the current competition." CDD Molloy Previsich pointed out that on Page 5, the language is explicit, *"This is a policy matter given that the scoring criterion does restrict the version of the BIG checklist for the use in the subsequent entitlement process.* To clarify: this is not a commitment over time but an evolving checklist that should be adhered to." Commissioner Mueller further clarified: if an application is getting the 15 automatic allocations then the developer must go with the BIG check list which is current applicable."

CDD Molloy Previsich observed that while staff was working on the draft ordinance for BIG, the BIG program was noted as being very different from RDSCS. "We had accommodations for reasonableness: 'this is the RDSCS commitment builders are held to'; how should BIG be addressed in this competition {only}? A development agreement is only for a certain number of allocations." Commissioners Lyle and Acevedo said the troublesome issue might become {as a response from developers} "But we got the go-ahead last year."

Commissioner Mueller expressed the fear that items might be dropped off BIG and others added with the developers suddenly faced with another \$10,000 in fees added.

CDD Molloy Previsich wondered how best to address that issue: here or some other interpretation or perhaps another Ordinance.

Commissioner Moniz suggested retaining the point threshold and keep at known BIG requirements.

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CDD Molloy Previsich said she thought the BIG checklist will evolve over time.

Commissioner Moniz observed that the BIG checklist is about current building codes.

Commissioner Mueller commented, "If we hold to a fixed category, then fiscal uncertainty may result."

Commissioner Acevedo asked if the BIG checklist would contain revised numbers? "If so," he said, "perhaps the developers would need to check with Planning for the current version. Conversely, if they accept automatic allocations (15 year), they probably should be required to go with the BIG checklist for that year."

CDD Molloy Previsich said the BIG checklist will most likely be linked to on-going allocations for being current.

Commissioner Tanda asked, "Are we reaching consensus that the BIG list is the list as of the date of competition? If we use a current or revised BIG list for points, then recreation amenities could change."

Commissioner Mueller urged not rescoring annually, but using the BIG checklist as of the date annually when applications are due.

Other issues discussed were:

- ♦ underground, oversized drainage pipe
- ♦ site recreation amenities; the four point category will be kept as three points
- ♦ master plan developments ~ need to have current RDCS criteria meet General Plan requirements

Commissioner Mueller suggested that in original filings the application must show transition areas around the boundary of a project and the developer must show potential development in transition development. Commissioner Lyle said it appears that RDCS already encourages that practice. CDD Molloy Previsich advised there are many review mechanisms during competition process: map, design/review/CEQA developments with Planned Development that may well have taken Staff and Commissioner comments into consideration. Commissioner Lyle expressed continuing concern of the reluctance to put limits on minimum size lots.

Chair Koepp-Baker spoke of her hesitancy of being so strict in resistance to change the minimum size lots. CDD Molloy Previsich explained, "With the revision we will be trying to get developers to put into place more open space."

Commissioner Mueller observed, "There is a limit to how much the cluster can tolerate."

**COMMISSIONER MUELLER OFFERED A RESOLUTION
RECOMMENDING APPROVAL OF MODIFICATION TO THE
RESIDENTIAL DEVELOPMENT CONTROL SYSTEM STANDARDS AND
CRITERIA INCLUSIVE OF THE CHANGES DISCUSSED AT THIS
MEETING.**

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Commissioner Tanda asked if the motion intended only utilizing modifications by Staff?

Commissioner Mueller responded, "We've discussed a number of things; some things we've agreed with staff and others were just brought up by Commissioners.

Commissioner Lyle said, "An alternative to limiting lot size to some percentage below the base zoning district size, would be to have the Planned Development process preclude any lot being made smaller than the minimum lot size of the next smaller zoning district."

COMMISSIONER TANDA PROVIDED THE SECOND TO THE MOTION.

Under discussion, Commissioner Acevedo said, "I agree that Commissioner Lyle's concern should be addressed, but not in this document. There should be some sort of reduction but only a certain percentage of a project would be subject to that reduction and then have a step back up with some percentage."

Commissioner Lyle retorted, "In the Planned Development process there should be a provision that there could not be development of lots small than next lower category.

THE MOTION PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; ESCOBAR WAS ABSENT.

OTHER BUSINESS:

3)PLANNING COMMISSION WORK PLAN FOR FY 2009-10:

Review and comment/Recommend for submittal to the City Manager and City Council as part of the budget process.

CDD Molloy Previsich recalled to the Commissioners that this is the annual opportunity for the Planning Commission to look at the scheduled work plan. "Many of the items are a continuation, e.g., the circulation plan updates, the Downtown specific plan, the Housing element." She then gave a general review of the list, noting that the southeast quadrant has been included in the one-year plan. "Staff also continues work on various chapters of the Municipal Code update, and on your next agenda the Commissioners will be asked to consider whether or not to hold an RDCS completion later this year.

Highlights which CDD Molloy Previsich stressed included:

- ♦ Habitat Conservation Plan – at el Toro, two lots proposed to be taken into the City where three homes could be allowed
- ♦ Build It Green (BIG) is not in the Zoning Ordinance
- ♦ a question: should sustainable building be put into the Building Codes Ordinance? Planning Commission to review

Chair Koepp-Baker noted that in the General Plan Housing section, no dates had been assigned. CDD Molloy Previsich explained that the Housing Element Task

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Force will provide guidance back to the Consultant this month, and then the draft will be distributed to the public.

Chair Koepp-Baker asked it was anticipated that the Planning Commission might move to monthly meetings? CDD Molloy Previsich responded that during budget discussions by the City Council, there was clearly recognition that the Planning Commission needs to be around. "I'm not sure in the next few months with such significant issues – and there are many - coming up that probably should stick with two meetings per month at least through the summer, and maybe into October."

Mindful of the time, Commissioner Lyle reminded, "We still have the Carbon Diet Club meeting tonight, and I wonder if there is urgency for the Downtown Specific Plan workshop tonight. We probably need to wrap this up."

CDD Molloy Previsich said she could fill in the dates for this item before passing it up to the Council. The Commissioners said it would be good if they could see the dates as well.

ANNOUNCEMENTS/ COMMISSIONER IDENTIFIED ISSUES

Commissioner Mueller said the Housing Element seems to be a 'pretty detailed document' and asked if it would be possible for the Planning Commission to receive it early so there would be more time for review. [yes]

CDD Molloy Previsich ascertained that the Commissioners would still be willing to meet twice monthly? [Yes] She then briefly reviewed the proposed {upcoming} schedule.

The work provided by Commissioners Acevedo and Lyle was acknowledge by the Commissioners and Staff as the two were heartily thanked for their years of service to the City as members of the Planning Commission.

WORKSHOP:

4)DOWNTOWN SPECIFIC PLAN

Review, provide questions and comments and receive public input on the Draft Downtown Specific Plan released in July 2008.

Due to the lateness of the hour, **CHAIR KOEPP-BAKER DIRECTED THE WORKSHOP ON THE DOWNTOWN SPECIFIC PLAN BE CONTINUED TO A FUTURE AGENDA.**

CITY COUNCIL REPORTS

None

OTHER:

5)PLANNING COMMISSION'S

Chair Koepp-Baker recessed the meeting at 10:06 p.m. for a meeting of the

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**PARTICIPATION IN
THE CARBON DIET
CLUB**

Commission's Carbon Diet Club, and noticed that the broadcast portion of the meeting was completed at that time.

Presentation by Environmental Programs staff on ways to reduce the community's carbon emissions.

ADJOURNMENT

Noting that there was no further business for the Planning Commission at this meeting, Chair Koepp-Baker adjourned the meeting at 11:00 PM.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk